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NOTICE OF ALLOWANCE AND FEE(S) DUE

22850

1940 DUKE STREET

7590

05/01/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. ALEXANDRIA, VA 22314

EXAMINER KEYS, ROSALYND ANN ART UNIT PAPER NUMBER

1621

DATE MAILED: 05/01/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,767	08/28/2003	Masaki Takai	241959US0	5868

TITLE OF INVENTION: METHOD FOR PRODUCING ALLYL COMPOUND

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	08/01/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current **SMALL ENTITY status:**

A. If the status is the same, pay the TOTAL FEE(S) DUE shown

B. If the status above is to be removed, check box 5b on Part B -Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Commissioner for Patents P.O. Box 1450

Alexandria, Virginia 22313-1450 (571)-273-2885 or <u>Fax</u>

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

Note: A certificate of mailing can only be used for domestic mailings of the CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address) Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission. 22850 05/01/2008 Certificate of Mailing or Transmission OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below. 1940 DUKE STREET ALEXANDRIA, VA 22314 (Depositor's name (Signature (Date APPLICATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. FILING DATE 10/649,767 08/28/2003 Masaki Takai 241959US0 5868 TITLE OF INVENTION: METHOD FOR PRODUCING ALLYL COMPOUND APPLN. TYPE SMALL ENTITY ISSUE FEE DUE PUBLICATION FEE DUE PREV. PAID ISSUE FEE TOTAL FEE(S) DUE DATE DUE nonprovisional NO \$1440 \$300 \$0 \$1740 08/01/2008 **EXAMINER** ART UNIT CLASS-SUBCLASS KEYS, ROSALYND ANN 1621 568-626000 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. or agents OR, alternatively, (2) the name of a single firm (having as a member a ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. (A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY) 4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) 4a. The following fee(s) are submitted: lssue Fee A check is enclosed. Publication Fee (No small entity discount permitted) Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number ______ (enclose an extra copy of this fo Advance Order - # of Copies _ (enclose an extra copy of this form). 5. Change in Entity Status (from status indicated above) a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ■ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office. Authorized Signature Date Typed or printed name Registration No. This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

OMB 0651-0033

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,767	08/28/2003	Masaki Takai	241959US0	5868
22850 75	22850 7590 05/01/2008		EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			KEYS, ROSALYND ANN	
	1940 DUKE STREET			PAPER NUMBER
ALEXANDRIA, V	/A 22314		1621	
		DATE MAIL ED: 05/01/2008		

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)		
	10/649,767	TAKAI ET AL.		
Notice of Allowability	Examiner	Art Unit		
	ROSALYND KEYS	1621		
	ROSALTIND RETS	1621		
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	plication. If not included will be mailed in due course. THIS		
1. \boxtimes This communication is responsive to <u>remarks filed January</u>	<u>′ 30, 2008</u> .			
2. The allowed claim(s) is/are <u>7-16, 18-26, and 30-34 (now cl.</u>	aims 1-24 <u>)</u> .			
3. Acknowledgment is made of a claim for foreign priority ur	nder 35 U.S.C. § 119(a)-(d) or (f).			
a) ☐ All b) ☐ Some* c) ☐ None of the:				
1. Certified copies of the priority documents have been received.				
Certified copies of the priority documents have	been received in Application No	·		
Copies of the certified copies of the priority do	cuments have been received in this	national stage application from the		
International Bureau (PCT Rule 17.2(a)).				
* Certified copies not received:				
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the requirements		
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give				
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.				
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached				
1) 🔲 hereto or 2) 🔲 to Paper No./Mail Date				
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date				
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the				
6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT				
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5.	Patent Application		
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ☐ Interview Summary			
_ ,	Paper No./Mail Dat	te		
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date	7. Examiner's Amendr	nent/Comment		
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. 🛛 Examiner's Stateme	ent of Reasons for Allowance		
-	9.			

DETAILED ACTION

Response to Arguments

Claim Rejections - 35 USC § 102

- 1. Applicant's arguments, see pages 3 and 4, filed January 30, 2008, with respect to the rejection of claims 7-9, 11, 14, 15, 18, 22-24, and 31-34 under 35 U.S.C. 102(b) as being anticipated by Trost et al. (US 4,051,157) in view of Eardley et al. (US 3,658,799) have been fully considered and are persuasive. The rejection of claims 7-9, 11, 14, 15, 18, 22-24, and 31-34 has been withdrawn.
- 2. Applicant's arguments, see page 4 through to the paragraph bridging pages 4 and 5, filed January 30, 2008, with respect to the rejection of claims 7-9, 11, 12, 14-16, 18, 20-24 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurtz et al. (US 3,755,451) alone or in view of Bryant et al. (US 3,534,088).

Claim Rejections - 35 USC § 103

3. The rejection of claims 7-16, 18-26 and 30-34 under 35 U.S.C. 103(a) as being unpatentable over Kurtz et al. (US 3,755,451) alone or in view of Hefner, Jr. (US 4,613,703) is withdrawn due a showing of unexpected results (see pages 6 and 7 of Applicants remarks filed January 30, 2008).

Allowable Subject Matter

- 4. Claims 7-16, 18-26, and 30-34 (now claims 1-24) are allowed.
- 5. The following is an examiner's statement of reasons for allowance: the instant claims are allowable over the prior art of record for reasons given on pages 3-5 of Applicants remarks, filed January 30, 2008 and because of a showing of unexpected results (see pages 6 and 7 of Applicants' remarks, filed January 30, 2008 and the declaration under 37 CFR 1.132, filed October 8, 2007).

Art Unit: 1621

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSALYND KEYS whose telephone number is (571)272-0639. The examiner can normally be reached on M, R & F 5:30-7:30 am & 1-5 pm; T & W 5:30 am-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROSALYND KEYS/ Primary Examiner, Art Unit 1621